Get Out & Get Moving

Opportunities to Walk to School through Remote Drop-Off Programs

Understanding the legal implications of implementing a remote drop-off program can help school districts, parents, and active transportation advocates determine whether a remote drop-off program is appropriate for their community.

CA4Health
healthy places...healthier lives

ChangeLab Solutions
Law & policy innovation for the common good

Made possible by CA4Health, a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention

THE BENEFITS OF WALKING TO SCHOOL

As the Safe Routes to School movement continues to gain momentum across the country, it is clear that in many communities, particularly rural ones, not all children can easily and safely walk or bicycle to school. Even the very best programs do little for students who live too far away or whose walk to school is obstructed by an unsafe physical or social situation such as a dangerous highway or a high-crime hot spot. Remote drop-off programs, also called "park and walk" programs, are a low-cost way to get more children out of their parents' cars and onto their own feet, allowing them to take advantage of the many benefits associated with walking to school:

Healthier Kids
By walking to school, students get more exercise, reduce their risk of obesity and diabetes, and improve their overall health.[1]

Better Academic Performance
Students who exercise before school are more focused and engaged, and get better grades.[2] Also, healthier children miss fewer days of school.[3]

Traffic Safety
Ten to 14 percent of morning rush-hour traffic is attributable to families driving their children to school.[4] Getting children to walk to school reduces traffic congestion and lowers the risk of crash incidents.[5]

Improved Environment
Fewer car trips means lower greenhouse gas emissions and decreased levels of air pollution.[6] This, in turn, minimizes children's exposure to pollutants,[7] which is of particular benefit to students with asthma.[8]

Family Convenience
Remote drop-off sites can reduce the time families have to spend on the morning school commute.

Community
Creating a remote drop-off program builds community cohesion, and encourages students to socialize with neighbors and students in different grades and classes.

When school districts or parents inquire about establishing a remote drop-off program, they are likely to face concerns about liability. It's easy to assume that existing routines are safest, simply because everyone is used to them. But that's not necessarily true. Existing drop-off routines often involve potential conflicts between cars, school buses, and kids who are walking or biking. Determining the best approach requires careful organization and consideration. If schools and community members act reasonably and assess challenges thoroughly, a remote drop-off program is unlikely to increase risks for children or their families.

What is a Remote Drop-Off Program?

Remote drop-off programs designate one or more sites within walking distance of a school (typically a ¼ or ½ mile) where parents, and sometimes school buses, drop students off in the morning so they can walk the rest of the way.

MANAGING RISK

From a legal perspective, one of the first steps to take when deciding whether to create a remote drop-off program is to identify any hazards associated with potential sites, routes, and supervision plans.[9] The next step is to compare the potential dangers and benefits of the program with the existing dangers and benefits of the school's current drop-off system. Minimizing the risks that usually worry parents and school officials most – traffic injuries and crime – requires a careful examination of the options. You can start your risk analysis by using the *Cost-Benefit Worksheet for Remote Drop-off Programs* at the end of this fact sheet. It may also be appropriate to consult with your district's risk management office.

Liability concerns may discourage some districts from initiating or participating in a remote drop-off program, but given the special responsibilities of districts during the school day,[10] remote drop-off programs can actually reduce district liability while improving student health and safety.

DISTRICT-RUN PROGRAMS

In some communities, school districts may prefer to plan and direct a remote drop-off program because they can contribute important assets, including relationships with local government and transit organizations, and experience creating programs that are safe and engaging for children. By consulting with community members, local government agencies, and an attorney, school districts can maximize access to a remote drop-off program, minimize risk, and facilitate effective solutions to any challenges.

Immunity for Off-Campus Conduct or Safety

In California, schools generally are not responsible for students' off-campus conduct or safety, even while students are traveling to and from school.[11] This means that schools have special immunity protecting them from certain lawsuits involving student injuries that occur off campus. While this immunity doesn't prevent a school from being sued, it does protect a school from being held responsible in the event that it is sued.

One exception to this immunity arises when a school specifically agrees to supervise students, such as providing transportation or sponsoring an activity.[12] Some districts may want to handle the supervision of elementary school students at remote drop-off sites and on their way to school, to ensure that things are done properly; however, providing supervision means giving up the special immunity for claims involving students' off-campus conduct and safety.

Immunity for Discretionary Decisions

California school districts also enjoy another form of protection called "discretionary immunity," which was created to encourage districts to set policies and make choices based on a careful assessment of risks and advantages without fear of lawsuits.[13] In the context of a remote drop-off program, discretionary immunity:

- Very likely protects districts from claims based on the decision to create a program,
- Likely protects against claims of negligence in the selection of remote drop-off sites and choices pertaining to staffing and supervision of sites, and,
- May protect against claims challenging some day-to-day decisions.[14]

A district that wants to operate only within the scope of its discretionary immunity should avoid handling daily operations and should limit its involvement to policy decisions: setting the policy, site and route selection, and creating a system for supervision.[15]

Communication & Documentation are Key

Communication

Clear communication is important for student safety, and it can help to manage risk. For example, a district should not directly select and manage remote drop-off sites without communicating about supervision to students and parents.

If families assume that the school is responsible for supervision, they may not carefully consider whether the program is appropriate for their children, which may put some students at risk.

If a district clearly informs parents that the district does not assume responsibility for children until the children arrive at school, it is unlikely that the district would be held responsible for failing to supervise the students.

Documentation

If a district is involved with selecting sites and routes, supervising students, or creating new school bus stops, the district should establish a formal process and create a written policy that details the rationale for its decisions. This avoids the need to reinvent the wheel as new participants get involved, and as risks and benefits arise that weren't initially considered.

Documentation is especially important for school districts because they may have to show that they acted reasonably in the event of an injury or accident.

IDENTIFYING & ADDRESSING DANGEROUS CONDITIONS

If a district chooses a remote drop-off location that will increase or intensify a significant risk of injury, it creates what's known legally as a "dangerous condition."[16] For example, a district could create a dangerous condition by selecting a site location that increased exposure to traffic collisions or violence.[17]

Districts are expected to assess the risks, act reasonably given the practical alternatives, and take all feasible, appropriate steps to address known hazards.[18] A district that has acted reasonably won't be held responsible just because a dangerous condition exists. In fact, a district will unlikely be liable for creating a dangerous condition if the answer to any *one* of the following questions is "no."[19]

- Is the location or property either dangerous itself, or dangerous because it increases the risk of injury on adjacent property?
- Is the risk of injury significant even when students and their families act reasonably (taking into consideration that children are expected to be less careful because they often don't recognize dangers)?
- Was the injury foreseeable?
- Is the site itself, or the decision about where to locate it, within the district's control?
- Did school district employees do something wrong that created the dangerous condition?
- Did the district fail to act when it had both notice of the danger and enough time to fix it?
- Were the decisions that created the danger unreasonable in light of the options available and the cost of an alternative approach?
- Were the measures taken to address the danger insufficient in light of the circumstances and the cost of alternatives?

This list may seem complicated, but the most important take-away is: school districts must do their best under the circumstances to avoid increasing risk of harm, and they must take reasonable steps to address any dangerous conditions on property they own or control.[20] That's all that the law requires.[21]

VOLUNTEER-RUN PROGRAMS

A district that prefers to preserve its immunity can recommend a volunteer program, instead of directly handling operations.[22] In such cases, there are several critical messages that the district should convey:

- The district does not assume responsibility for students until they arrive on campus, nor is the district providing supervision while children are at the remote drop-off site or while they are walking to school.[23]
- Parents retain responsibility for their children's conduct and safety off campus and should assess for themselves whether the remote drop-off program is appropriate for their child, and whether the site, route, and volunteer supervision are sufficiently safe.
- Neither the program nor any activities offered at the remote drop-off site are school-sponsored or school-supervised.

Families can create a remote drop-off program on their own, and in many communities, this type of volunteer-run program makes the most sense. The first step is to find a good location: a safe place along a safe walking route, with enough space for kids to gather or play. Families may want to ensure that an adult volunteer supervises the remote drop-off site during the drop-off period. As an additional safety precaution, adult volunteers can also accompany children on the walk to school. School districts or individual schools don't need to be involved, but school personnel often have special knowledge of the traffic flow and potential hazards near their school sites. So it's always a good idea for program leaders to ask school personnel to share any concerns, especially if a particular site, route to school, or campus entry point may present a hazard. Parents and guardians need to decide which mode of transportation best suits their child in light of his or her personality, age, maturity, physical and cognitive development, and decision-making abilities. They should also consider the street, traffic, and crime conditions likely to be encountered during their child's commute to and from school.

Family members may be more willing to create a program – or volunteer in a district-run program – if they know that there is some special legal protection available for volunteers. Under the federal Volunteer Protection Act,[24] people who volunteer for a school district or a nonprofit organization usually cannot be held legally responsible for harm caused by something they did or failed to do in the course of their volunteer activities.[25]

Case Study: Sacramento, California

The North Natomas Transportation Management Association coordinates a Walk to School program with Westlake Charter School in Sacramento, California. Most Westlake Charter students live long distances from campus and cannot walk to school on a regular basis.

Every Wednesday and Friday, parents may drop-off their children at a strip mall down the street from the school. Teachers and parent-volunteers walk students from this designated drop-off site to campus.

Up to 40 percent of students from Westlake Charter School participate in this drop-off program. Traffic has dramatically decreased near school on Walk-to-School days, and both students and parents have expressed enthusiastic support for this program.[26]

BUSES: MAKING IT WORK FOR RURAL SCHOOLS

The need for remote drop-off sites can be even greater in rural areas than urban centers. Because of the physical design of roads, rural residents generally walk and bike less than their urban and suburban counterparts.[27] Many students in rural districts can't walk to school because of prohibitively long distances; thus they often rely on school buses.[28] Therefore, setting up a rural remote drop-off program typically involves working together with school bus services.

Before school buses can stop at a remote drop-off site, the stop has to be approved by the district superintendent, who is legally responsible for selecting all school bus stops.[29] Practically speaking, therefore, most rural districts will need to be involved to some extent and will not have the option of using an exclusively volunteer-run program.

A district that plans to incorporate busing into its remote drop-off program should expand its risk analysis to consider:

- Whether to require *all* students riding the bus to participate in the program, and how to accommodate students with disabilities who may not be able to walk the required distance;
- Whether it is best to use parental permission, require parents to sign liability waivers and allow students to walk to school unsupervised, or give up potential immunity by providing supervision;
- How to create and enforce an effective permission system;
- How traffic patterns, bus schedules, crossing guards, and other safety considerations will be affected.[30]

Because of the additional complexity involved, a district may wish to seek technical assistance and legal counsel before creating new bus stops as part of a remote drop-off program.

What about Pick-Up Programs?

Pick-up programs may seem like drop-off programs in reverse, but they require some additional considerations.

First, schools will need either an effective permission system, district-run supervision, or a clear rule stating that the school has no responsibility for determining when, how, or with whom students leave the school grounds. Otherwise, the program will blur the boundaries between parental and school responsibilities off-campus, jeopardizing the district's immunity.

Second, for districts using school buses in a pick-up program, the timing can be complicated. It's easy for a student to miss the bus and be stuck at the pick-up site. To avoid that risk, a school might have participating students leave the school as a group or designate a staff person to walk the route and bring anyone who missed the bus back to campus.

THE BOTTOM LINE

Every option involves risks. Deciding what to do means assessing the *relative* risks and benefits of each approach. There's always comfort in the familiar, but existing morning routines are not necessarily safer just because everyone is used to them. When evaluating whether to create remote drop-off sites, decision makers must examine existing practices together with the proposed program, and carefully determine what would best serve the interests of students and parents.

CA4Health
healthy places...healthier lives

ChangeLab Solutions
Law & policy innovation for the common good.

LEARN MORE ABOUT CA4HEALTH

CA4Health is the Public Health Institute's Community Transformation Grant, funded by the Centers for Disease Control and Prevention, that is focused on reducing the burden of chronic disease in California counties with populations under 500,000. CA4Health partners with some of the state's leading technical assistance providers and content experts to provide local county partners with tools, training and guidance to make their communities healthier. CA4Health's four strategic directions are reducing consumption of sugary beverages, increasing availability of smoke-free housing, creating safe routes to schools, and providing people with chronic disease with skills and resources to better manage their health.

ACKNOWLEDGMENTS

ChangeLab Solutions would like to thank the following individuals who contributed to the development of this fact sheet:

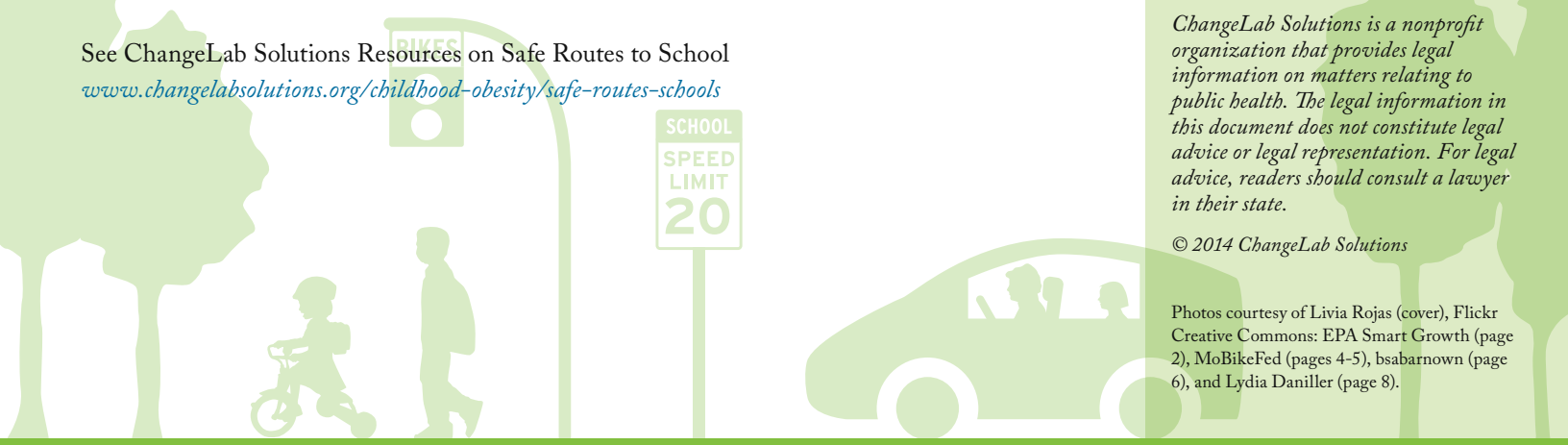
Lisa A. Cirill, M.S., P.A.P.H.S.
Chief, California Active Communities, California Department of Public Health

Kimberley Elliott, M.L.A.
Project Coordinator, California Active Communities, California Department of Public Health

Justine Hearn, M.A.
Project Coordinator, California Active Communities, California Department of Public Health

Tamara Lange
Legal Consultant, ChangeLab Solutions

See ChangeLab Solutions Resources on Safe Routes to School
www.changelabsolutions.org/childhood-obesity/safe-routes-schools



Made possible by CA4Health, a project of the Public Health Institute, with funding from the Centers for Disease Control and Prevention.

ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

Photos courtesy of Livia Rojas (cover), Flickr Creative Commons: EPA Smart Growth (page 2), MoBikeFed (pages 4-5), bsabarnown (page 6), and Lydia Daniller (page 8).

COST-BENEFIT WORKSHEET FOR REMOTE DROP-OFF PROGRAMS

One of the benefits of Safe Routes to School is the opportunity for collaboration among stakeholders and government agencies that may not traditionally interact with one another. For example, some districts establish a Safe Routes to School District Task Force that, among other things, serves as an advisory committee for challenges encountered in implementing Safe Routes to School policies and programs. Often, individual schools create School Teams to ensure that Safe Routes to School policies and programs are a success. Both district Task Forces and individual School Teams can be important partners when developing a remote drop off program.

When thinking about the pros and cons of establishing a remote drop off program, it's important to keep in mind that every option involves risks. Deciding what to do means assessing the relative risks and benefits of each approach. One challenging part of this analysis is looking critically at the risks society generally accepts. There's always comfort in the familiar. But existing morning routines, for example, are not necessarily safer just because everyone is used to them. At the same time, it's always harder to identify the risks in a plan that has yet to be tested.

The Worksheet below is designed to provide a framework for thinking about these issues. It should not be used to score and select an outcome. Ideally, a district Task Force or School Team would complete this Worksheet together so that the cost-benefit analysis is as comprehensive as possible. Of course, the Worksheet may be expanded to consider multiple options, and any additional risks or benefits that are relevant to a specific community should be added.

We suggest using a -5 to 5 scale, where 0 is neutral.

On-Site Drop-Off Only	Risk Factors	Remote Drop-Off Program
	car – car collision exposure	
	car – pedestrian collision exposure	
	car – bike collision exposure	
	peer harassment or violence	
	neighborhood harassment or violence	
	exposure to toxins (including exhaust)	
	hazards on route to school	
	additional car collision risk based on time in car	
	long term health consequences	
	long term academic consequences	

[1] Davison KK, Werder, JL and Lawson CT. "Children's Active Commuting to School: Current Knowledge and Future Directions." *Preventing Chronic Disease,* 5(3): 1-11, 2008. *www.ncbi.nlm.nih.gov/pmc/articles/PMC2483568/pdf/PCD53A100.pdf*; Active Living Research. *Walking and Biking to School, Physical Activity and Health Outcomes*. May 2009. *http://216.92.169.205/files/ALR_Brief_ActiveTransport.pdf*; *See also* Centers for Disease Control and Prevention (hereinafter, "CDC"). *Adolescent and School Health.* 2012. *www.cdc.gov/healthyyouth/physicalactivity/facts.htm*

[2] *See, e.g.,* Singh A, Uijtdewilligen L, Twisk JWR, et al. "Physical Activity and Performance at School: A Systemic Review of the Literature Including a Methodological Quality Assessment." *Archives of Pediatric and Adolescent Medicine,* 166(1): 49-55, 2012. *http://archpedi.jamanetwork.com/article.aspx?articleid=1107683*; Trost SG. *Active Education: Physical Education, Physical Activity and Academic Performance.* San Diego, CA: Active Living Research, 2009. *www.activelivingresearch.org/files/ALR_Brief_ActiveEducation_Summer2009.pdf*

[3] Geier AB, Foster GD, Womble LG, et al. "The Relationship between Relative Weight and School Attendance Among Elementary Schoolchildren. *Obesity*, 15(8): 2157-61, 2007.

[4] McDonald N, Brown A, Marchetti L, et al. "U.S. School Travel, 2009: An Assessment of Trends." *American Journal of Preventive Medicine,* 41(2): 146-151, 2011. *www.sciencedirect.com/science/article/pii/S0749379711002637*; U.S. Department of Transportation. *National Household Travel Survey: Congestion – Who is Traveling in the* Peak? Washington, DC: U.S. Dept. of Transportation. August, 2007, p. 1 (finding that 10.8% of peak commute traffic is due to school drop-offs after which the parent or driver does not continue on to work or another destination). *http://financecommission.dot.gov/Documents/NHTS%20Fact%20Sheet%20on%20Congestion%20and%20Peak%20Travelers.pdf*

[5] Dimaggio C and Li G. "Effectiveness of a Safe Routes to School Program in Preventing School-Aged Pedestrian Injury." *Pediatrics*, 131(2): 290-296, 2013.

[6] US Environmental Protection Agency. *Climate Change: What You Can Do On the Road. 2013. www.epa.gov/climatechange/wycd/road.html*

[7] Brandt SJ, Perez L, Künzli N, et al. "Costs of Childhood Asthma Due to Traffic-Related Pollution in Two California Communities." *European Respiratory Journal,* 40(2): 363-370, 2012. *Healthy School Environment Resources: Indoor Air Quality. U.S. Environmental Protection Agency.* 2012. *http://cfpub.epa.gov/schools/top_sub.cfm?t_id=41&s_id=4*; Hall R, Hardin T and Ellis R. *School Indoor Air Quality: Best Management Practices Manual.* Office of Environmental Health and Safety, Indoor Air Quality Program and Washington State Department of Health. 2003. *www.doh.wa.gov/Portals/1/Documents/Pubs/333-044.pdf*; *Parent's Guide to School Indoor Air Quality.* Albany, NY: Healthy Schools Network, Inc. 2012. *www.healthyschools.org/downloads/IAQ_Guide.pdf*

[8] Gauderman JW, Avol E, Lurmann F, et al. "Childhood Asthma and Exposure to Traffic and Nitrogen Dioxide." *Epidemiology.* 16(6): 737-743, 2005.

[9] California law requires school districts to inspect school property, including remote drop-off sites, on property owned, rented or otherwise controlled by the district. *See* Cal. Gov. Code §§ 815.6, 818.6, 830. Having the authority to select a remote drop-off site may be enough control to trigger the obligation to inspect it. *See* Cal. Gov. Code § 830; *see also Searcy, infra* note 25; and *Bassett v. Lakeside Inn, Inc.*, 140 Cal. App.4th 863, 872 (3rd Dist. 2006).

[10] A district may be vicariously liable for breach by school personnel of their duty to exercise "ordinary prudence" in the execution of their duties, including hiring and supervising staff, supervising students on school grounds and "enforce[ing] those rules and regulations necessary [for students'] protection." *C.A. v. William S. Hart Union High School Dist.*, 53 Cal.4th 861, 869 (2012); *see also* Cal. Civ. Code § 1714 (establishing general negligence liability standard). In addition to this general duty, the special relationship between district and students gives rise to a special duty to "use reasonable measures to protect students from foreseeable injury at the hands of third parties acting negligently or intentionally." *William S. Hart Union High School Dist.,* 53 Cal.4th at 870.

[11] Cal.Educ.Code § 44808 (2013).

[12] *Id.* (Immunity attaches unless the district "has undertaken to provide transportation for such pupil to or from the school premises, has undertaken a school-sponsored activity off the premises, has otherwise specifically assumed such responsibility or liability or has failed to exercise reasonable care under the circumstances. . . . In the event of such a specific undertaking, the district, board, or person shall be liable or responsible for the conduct or safety of any pupil only while such pupil is or should be under the immediate and direct supervision of an employee of such district or board.").

[13] *See* Cal. Gov. Code §§ 815.2, 820.2 (2013); *Caldwell v. Montoya,* 897 P.2d 1320, 1325 (Cal. 1995) (defining discretionary acts as "deliberate and considered policy decisions" in which the officials engaged in conscious "balancing of risks and advantages").

[14] *See Barner v. Leeds,* 24 Cal. 4th 676, 691 (2000) (holding deputy public defender was not entitled to discretionary acts immunity for decisions in the course of representing client because those are not the "type of basic policy decisions . . . within the scope of the immunity afforded by section 820.2").

[15] Note that immunity for discretionary acts does not apply to a claim for damages based on a dangerous condition. The Legislative Committee Notes to California Government Code § 835 explain that districts may not avail themselves of "the discretionary immunity that public entities derive from Section 815.2 [by virtue of Section 820.2], for this chapter itself declares the limits of a public entity's discretion in dealing with dangerous conditions of its property."

[16] *See* Cal. Gov. Code § 835.

[17] *See, e.g.,* Jennifer C. v. Los Angeles Unified Sch. Dist., *168 Cal.App.4th 1320, 1335 (2nd Dist. 2008) (holding failure to erect f*ence or other barrier to prevent student access to alcove on campus where student sexually assaulted developmentally disabled student raised question of fact whether there was a dangerous condition).

[18] *See* Cal. Gov. Code § 835.4 (creating an exception for dangerous conditions liability that comes close to swallowing the rule by providing that a district may maintain dangerous conditions without fear of liability so long as it weighs "the probability and gravity of potential injury to persons and property foreseeably exposed to the risk of injury against the practicability and cost of taking alternative action that would not create the risk of injury or of protecting against the risk of injury"); *see also Constantinescu v. Conejo Valley Unified School Dist.*, 16 Cal.App.4th 1466, 1470 (1993) (affirming jury finding of liability where district knew of the danger created by on-site traffic during drop-off but took no action to reduce the risk).

[19] *See Bonanno v. Cent. Contra Costa Transit Auth.,* 30 Cal. 4th 139, 151, n.4 (2003) (holding transit district could be liable to pedestrian injured in crosswalk adjacent to bus stop because selected bus stop location required people either to use the dangerous crosswalk or to walk along a hazardous road side); *id.* at 154-55 (detailing hurdles to establish liability for a dangerous condition on public property).

[20] *See* Cal. Gov. Code § 830.

[21] Having the authority to select a remote drop-off site may count as "control" over the property, but simply knowing about a site chosen by volunteers would not. *See Searcy v. Hemet Unified Sch. Dist.*, 177 Cal.App.3rd 792 (4th Dist. 1986) (holding permissive authority to build infrastructure for safety of pupils attending district school and authority to influence traffic control measures were not sufficient to establish control over dangerous condition at short-cut on student's route home from school). Even when a district selects the remote drop-off site and suggests a route to school, however, it cannot be held liable for creating a dangerous condition solely because it failed to install traffic control devices or to hire a crossing guard. Cal. Gov. Code § 830.4; *See also Cerna,* 161 Cal.App.4th at 1360 (explaining, in any event, that crossing guards exercise a police function and "public entities are immune from liability for asserted failures to provide police and security services"). It's also unlikely that a district will be held responsible simply because staff tell parents that the remote drop-off site will be safe or that particular routes or aspects of the site will be modified to make them safe. *See* Cal. Gov. Code § 818.8 (2013); *see also Cerna*, 161 Cal.App.4th at 1360 (finding no liability despite school's representations that it would "make it safe for students walking to and from the new School").

[22] *See Ramirez v. Long Beach Unified School District,* 105 Cal.App.4th 182 (Cal. Ct. App. 2002) (holding district was not liable for recommending and sponsoring presentation by summer camp where student drowned).

[23] For example, the school district could send a letter and post signs explaining that walking to school is not a form of school-sponsored transportation even though the school encourages healthy activity for students, that students are under their parents' authority until they arrive at school and that students must have parental permission to be dropped off at a remote site to join volunteers for the walk to school.

[24] *See Volunteers and Liability: The Federal Volunteer Protection Act*, ChangeLab Solutions, 2012. *www.changelabsolutions.org/publications/volunteer-protection-act*

[25] Not surprisingly, there are exceptions to this general rule. For example, there is no protection if a volunteer acts criminally or recklessly; *See* Volunteer Protection Act of 1997, Pub. L. No. 105-19, 11 Stat. 218 (codified at 42 U.S.C. §§ 14501—14505 (2013)).

[26] Meng M (School Programs Manager, North Natomas Transportation Management Association). Interview by Zwicker L. August 9, 2013.

[27] Dalton MA, Longacre MR, Drake KM, et al. "Built Environment Predictors of Active Travel to School Among Rural Adolescents." *American Journal of Preventative Medicine*, 40(30): 312-319, 2010. *www.ncbi.nlm.nih.gov/pmc/articles/PMC3045839/pdf/nihms266327.pdf*

[28] Yousefian A, Ziller E, Swartz J, et al. "Active Living for Rural Youth: Addressing Physical Inactivity in Rural Communities." *Journal of Public Health Management and Practice,* 15(3): 223-31, 2009.

[29] Cal.Code Regs., tit. 13, § 1238(a); *see also* California Commercial Driver Handbook, Section 10. California Department of Motor Vehicles, 2011. *www.dmv.ca.gov/pubs/cdl_htm/sec10.htm.* The responsibility to select bus stops is a mandatory duty, and liability for breach of a mandatory duty involves a different set of legal standards than liability for dangerous conditions. *See* Cal. Gov. Code § 815.6 ("Where a public entity is under a mandatory duty imposed by an enactment that is designed to protect against the risk of a particular kind of injury, the public entity is liable for an injury of that kind proximately caused by its failure to discharge the duty unless the public entity establishes that it exercised reasonable diligence to discharge the duty."). At the same time, the district's selection of sites likely involves sufficient control over the property to warrant imposition of dangerous conditions liability if that stringent test is otherwise satisfied.

[30] *See Perna v. Conejo Valley Unified Sch. Dist.,* 143 Cal. App. 3d 292, 296 (1983) (holding liability was a question for the jury where a teacher asked a student to stay and help grade papers and, as a result, that student and her sister left school after the crossing guard had left and were injured).